



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,960	11/06/2000	Scott A. Cluff	MICE-0091-US(00.00902)	8488

7590

04/09/2004

Dan C Hu
Trop Pruner & Hu PC
8554 Katy Freeway
Suite 100
Houston, TX 77024

EXAMINER

CHU, GABRIEL L

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/706,960

Applicant(s)

CLUFF ET AL.

Examiner

Gabriel L. Chu

Art Unit

2114

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Arguments not persuasive.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-31.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

NADEEM IQBAL
PRIMARY EXAMINER

Continuation of 10. Other: Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6195695 to Cheston et al.

Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6195695 to Cheston et al. as applied to claims 1 and 10 above, respectively, and further in view of US 5469573 to McGill, III et al.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6195695 to Cheston et al as applied to claim 1 above, and further in view of US 6374366 to Maffezzoni.

Claims 12-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 5469573 to McGill, III et al.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 5469573 to McGill, III et al. as applied to claim 12 above, in further view of US 6374366 to Maffezzoni.

Claim 17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6374366 to Maffezzoni.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6374366 to Maffezzoni as applied to claim 17 above, in further view of US 5469573 to McGill, III et al.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6145088 to Stevens in view of US 6374366 to Maffezzoni as applied to claim 21 above, in further view of US 5469573 to McGill, III et al. .